In the Claims:

Cancel Claim 22.

REMARKS

Claim Objections

On page 2 of the Office Action, an objection directed toward Claim 1 is stated. Applicant respectfully requests clarification of the objection as the error referred to can not be identified.

Drawing Objections

On page 2 of the Office Action, an objection directed toward the drawings is stated. More specifically, the Patent Office states that:

> Therefore, the elastic tension element recited in Claim 15 and the rigid polymer bar recited in Claim 17 must be shown or the feature(s) cancelled from the claim(s).

Applicant will submit new formal drawings if it is determined that the features referred to above are to be specifically recited in the claims. No new matter will be added.

Rejection of Claims 1, 3 and 17-19 Under 35 USC 102(b)

Claims 1, 3 and 17-19 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,534,010 ("Peterson"). With respect to Claim 1, the Patent Office states specifically that:

> ... Peterson anticipates all features of the claim including a first strip (12), a second strip (14) having an adhesive surface (column 3, lines 6-14), a plurality of connectors (filaments (46, 48), pulling elements (32, 34), and means for connecting the filaments to the strips (Figs. 6 and 11).

Preliminarily, Applicant notes that the cited Peterson reference (U.S. Patent No. 5,534,010) contains the following notice:

> The term of this patent shall not extend beyond the expiration date of Pat. No. 5,176,703.

U.S. Patent No. 5,176,703 has been cited in the Information Disclosure Statement filed concurrently herewith. It is the opinion of the Undersigned Attorney that although Figs. 1-9 of both Peterson patents are substantially identical, the earlier issued patent (5,176,703) contains somewhat more relevant disclosure. The arguments set forth below apply with equal force to both Peterson patents referred to above.

The rejection issued under 35 USC 102(b) is respectfully traversed. Applicant specifically recites in step e) of Claim 1:

> e) means for attaching the first elongated connectors to the second flat flexible component and means for attaching the second elongated connectors to the first flat flexible component.

As stated in the Specification in the sentence bridging pages 2-3 of the application as filed:

> When the flat flexible components are applied, and a desired tension is reached effecting wound or incision closure, the elongated connectors are brought into contact with the flat flexible components and an adhesive fixed their positions relative to one another.

Applicant notes that the filaments (46 and 48) of the Peterson patent do not attach directly to tape strips 12 and 14. Therefore, Applicant's invention is not anticipated by the cited Peterson reference.

Applicant notes further that the element, which the cited Peterson reference fails to disclose is an essential element of significance. The fact that Applicant's device is secured in place by the attachment of elongated connectors to flat flexible components offers a number of significant advantages relative to the cited prior art device, including:

1) reduced lateral movement of the bandage components that are attached to the wound edges offers increase stability during healing;
2) longer elongated connectors may be used facilitating easy application of the device;
3) pulling elements and unnecessary portions of elongated connectors may be removed following application making the applied device smaller (i.e., no larger in terms of covered skin surface area than the initial flat flexible components) and therefore more acceptable to patients cosmetically and less susceptible to jarring or pulling movement; and
4) attached elongated connectors are less susceptible to catching (e.g., on clothing) than unattached elongated connectors.

More specifically, with respect to point number 1 set forth above, and referring to Fig. 1, the fact that Applicant's elongated connectors (15 and 35) attach directly to flat flexible components (5 and 25) effectively reduces the range of freedom for lateral movement of the two wound edges (20 and 42) relative to one another, when compared with a bandage of the type described in the cited prior art. To restate, Applicant teaches a bandage in which a first component wound edge is limited in the degree in which it can move generally laterally relative to a second component wound edge by being effectively tethered closely together.

In all embodiments disclosed in the cited Peterson reference, the anchor point of the element that corresponds to Applicant's pulling elements (40 and 45) establishes the degree of freedom for lateral movement of Peterson's counterpart to Applicant's wound edges (20 and 42). In all cases described and exemplified, this anchor point is remote from the component wound edge by a distance equal to the length of the elongated connectors. This effectively increases the range of lateral movement for each of Peterson's wound edge counterparts. Such lateral movement of the components' wound edges relative to one another is extremely undesirable as it can more easily disengage the opposing wound edges. This can compromise the goal of faster

healing and minimum scarring and, as a consequence, is a major disadvantage of the Peterson device.

With respect to point number 2, the cited Peterson reference discloses only embodiments in which the pulling elements are used to anchor the device on the opposing, initially applied, flat flexible component. Representative of this teaching is the disclosure in column 4, lines 1-4, which is set forth below for the Examiner's convenience.

> By way of illustration in Figs. 3 and 4, strip 30 is pulled off until tape strip 16 is exposed whereupon strip 16 is taped onto the exposed surface of tape 14 and partially onto exposed skin beyond the end of strip 14.

This restricts the filaments to being shorter than the initial component. Applicant's design anchors the device attaching a portion of the elongated connector to the initial component. This design enables the use of longer elongated connectors. The use of longer elongated connectors has been found to simplify the application of the initial components by moving unused components farther away from the immediate work area during application of the device. Since any extended portion of the elongated connector is removed after anchoring, the initial length of the connector is not restricted in the Applicant's design.

Referring to point number 3, in addition to these most important of benefits, Applicant's design facilitates the subsequent removal of a portion of the elongated connector and the pulling elements. This reduces the overall size and bulkiness of the applied bandage to the surface area of skin covered by the two initially applied flat flexible components. This reduction in size tends to increase patient comfort and reduces the likelihood that the device will catch on clothing, for example, leading to premature release.

With respect to point number 4, Applicant's design is clearly less susceptible "filament catch." The cited Peterson reference teaches numerous "filament type" connectors whose

complete length sits unadhered on the surface of the device. These are much more prone to catching and causing a pull to the wound edge or possibly a device break undermining the wound area stability. Applicant's design has both pulling elements and unnecessary portions of elongated connectors removed and the entire remaining filament length adhered to the component below. The only exception is the small area immediately above the wound itself.

Finally, with respect to rejected Claim 21, an additional point can be made. More specifically, Claim 21 specifically recites elongated connectors, which are sufficiently spaced-apart to facilitate lateral adjustment. The cited Peterson reference teaches numerous closely-spaced filaments. For example, in column 3, line 45, Peterson teaches interwoven filaments having a density of approximately 26 filaments per inch! Such a design, at best, highly restricts the ability to adjust the initially applied flat flexible components laterally during wound closure. In fact, since the opposing tape strips can never be placed perfectly with respect to lateral alignment, the Peterson device as described cannot properly align the wound edges. Applicant's use of spaced-apart filaments solves this problem associated with the cited prior art.

Rejection of Claims 1, 2, 4, 5, 8-12 and 14 Under 35 USC 102(b)

Claims 1, 2, 4, 5, 8-12 and 14 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,263,970 ("Prellar"). As discussed above in connection with the cited Peterson reference, element e) of Claim 1 is an important feature not disclosed by the cited Prellar reference. All of the rejected claims other than Claim 1 depend from Claim 1. Therefore, the rejection under 35 USC 102(b) grounded in the Prellar reference is respectfully traversed.

Rejection of Claims 1, 18, 20 and 21 Under 35 USC 102(b)

Claims 1, 18, 20 and 21 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,423,731 ("Roomi"). As discussed above in connection with the cited Peterson reference, element e) of Claim 1 is an important feature not disclosed by the cited Roomi reference. All of the rejected claims specifically recite a limitation such as that recited Claim 1, element e). Therefore, the rejection under 35 USC 102(b) grounded in the Roomi reference is respectfully traversed.

Rejection of Claim 22 Under 35 USC 102(b)

Claim 22 has been rejected under 35 USC 102(b) as being anticipated by U S. Patent No. Re. 31,887 ("Hodgson"). In response to this rejection Claim 22 has been cancelled.

Rejection Under 35 USC 103

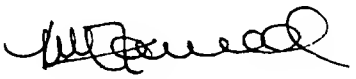
Three specific rejections have been made under 35 USC 103. Specifically, Claims 6 and 7 have been rejected under 35 USC 103 as being unpatentable over Prellar. Claim 13 has been rejected under 35 USC 103 as being unpatentable over Prellar in view of U.S. Patent No. 5,425,702 ("Carn et al."). In addition, Claims 15 and 16 have been rejected as being unpatentable over Peterson in view of U.S. Patent No. 5,779,659 ("Allen"). The cited rejections are respectfully traversed based on the limitation of Claim 1(e). As discussed above, the element described in Claim 1(e) represents an element of patentable significance which was not disclosed in the art cited to support novelty rejections.

Furthermore, this limitation would not have been obvious to one of skill in the art based on the combination of reference cited in connection with rejections grounded in 35 USC 103. None of the cited prior art references offer any teaching which would tend to suggest the limitation referred to by Applicant.

Summary

In light of the above Amendment and Remarks, Applicant respectfully requests reconsideration of the subject patent application.

Respectfully submitted,



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